

Catherine Ann Novelli, of Virginia, to be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter-American Development Bank for a term of five years?

The clerk will call the roll.

The assistant bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Florida (Mr. RUBIO).

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 32 Ex.]

#### YEAS—97

Alexander	Gillibrand	Murkowski
Ayotte	Graham	Murphy
Baldwin	Grassley	Murray
Barrasso	Hagan	Nelson
Begich	Harkin	Paul
Bennet	Hatch	Portman
Blumenthal	Heinrich	Pryor
Blunt	Heitkamp	Reed
Booker	Heller	Reid
Boozman	Hirono	Risch
Boxer	Hoeben	Roberts
Brown	Inhofe	Sanders
Burr	Isakson	Schatz
Cantwell	Johanns	Schumer
Cardin	Johnson (SD)	Scott
Carper	Johnson (WI)	Sessions
Casey	Kaine	Shaheen
Chambliss	King	Shelby
Coats	Kirk	Stabenow
Cochran	Klobuchar	Tester
Collins	Landrieu	Thune
Coons	Leahy	Toomey
Corker	Lee	Udall (CO)
Cornyn	Levin	Udall (NM)
Crapo	Manchin	Vitter
Cruz	Markey	Walsh
Donnelly	McCain	Warner
Durbin	McCaskill	Warren
Enzi	McConnell	Whitehouse
Feinstein	Menendez	Wicker
Fischer	Merkley	Wyden
Flake	Mikulski	
Franken	Moran	

#### NOT VOTING—3

Coburn                      Rockefeller                      Rubio

The nomination was confirmed.

#### VOTE ON NOVELLI NOMINATION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided in the usual form prior to a vote on the second Novelli nomination.

Mr. PRYOR. Madam President, I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Catherine Ann Novelli, of Virginia, to be an Under Secretary of State (Economic Growth, Energy, and the Environment)?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table.

The President will immediately be notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

#### ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the time until 1:45 is equally divided.

The Senator from Arkansas.

#### UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. PRYOR. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 565 and 570; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Iowa.

Mr. GRASSLEY. Reserving the right to object—and I will object—I wish to remind my colleagues of a couple important points.

First, over the last several weeks some of my colleagues in the majority have expressed frustration because some of the nominees they support haven't been brought up for a final vote. I must say this is quite surprising to me.

As everyone knows, late last year the Senate Democrats invoked the so-called nuclear option. The stated reason for doing so of course was to strip the minority of our ability to stop any judicial or executive nominees on the floor. In fact, just before invoking the so-called nuclear option, here is what the majority leader said about it:

The change we propose today would ensure executive and judicial nominations an up or down vote on confirmation—yes or no.

The rule change will make cloture for all nominations other than the Supreme Court a majority threshold vote—yes or no.

Of course, 52 Democrats voted to take this unprecedented step, which tossed aside two centuries of Senate history and tradition, even though this President has an outstanding record of getting his nominations confirmed. In fact, prior to the President's attempt to fill the DC Circuit with judges they didn't need, the Senate had confirmed 215 of the President's judicial nominees, rejecting only 2. That is more than a 99-percent approval rating of the President's nominees.

Notwithstanding that record, however, the majority voted to cut the minority out of the process on the floor. I note there was bipartisan opposition to what the majority leader tried to accomplish. Three Democrats voted

against it. I have to give credit to the Senator from Arkansas who has made this unanimous consent to be one of those who thought the minority should not be cut out of the process.

The bottom line is that under the precedent 52 Democrats voted to establish, the majority leader now can bring up at any time these nominations for a vote on the floor whenever he decides to do it. If he did, the nominees would be confirmed within no more than 2 hours of debate.

So the minority simply has no ability to stop anyone from getting a vote. There is no filibuster of any nominees anymore, which is the whole point of what the majority chose to do in November.

I object to this unanimous consent and respectfully suggest that any Senator—including the Senator from Arkansas—discuss the matter with the one individual who has the ability to bypass the minority in that matter, and that happens to be the one Senator who is the majority leader of the Senate.

I do object, and I yield the floor.

The PRESIDING OFFICER. Objection is heard.

The Senator from Arkansas.

Mr. PRYOR. Madam President, I wish to respond and further explain.

We have two judges pending on the calendar right now. In the sequence of judges to be considered, they are No. 2 and No. 7; one is Timothy Brooks and the other is James Moody.

Tim Brooks was nominated by the White House in June and came out of the Judiciary Committee in October. Jay Moody was nominated by the White House in July and came out of the Judiciary Committee in November.

On the Federal bench in Arkansas district court level, we have eight judges. We now have two vacancies. I don't wish to be dramatic and declare a judicial emergency, but certainly people should understand we are only working at 75 percent horsepower right now and we need to get these judges confirmed forthwith.

Yesterday, I stood at my desk and notified the Senate I was going to make this request. I did not receive an objection, as far as I know—unless maybe a staff person talked to a staff person. But I never heard of any objection.

It is bad enough to have 25 percent of our judiciary in Arkansas which needs to be filled, but the real urgency for this is a matter of State law. James Moody is an elected State court judge. He is an elected trial court judge. Under Arkansas law, this is a non-partisan position. Our filing deadline for the 2014 election cycle opens on the 24th of February and it goes to March 3.

So here is the problem: Today is February 12. We are about to have a snowstorm tonight and the next few days and next week we are on recess. We come back on February 24. The filing period will already be open in Arkansas. I wish I could tell Judge Moody: